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EXAMINER
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ART UNIT	PAPER NUMBER
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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 January 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21,23-27,29-33 and 39-42* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21,23-27,29-33 and 39-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *2/25/2009*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claims 21, 23-27, 29-33 and 39-42 have been examined and are pending.

Claims 39-42 are new.

This Office action is made FINAL.

Response to Arguments

1.   Applicant's arguments, see Page 6, filed 1/20/2009, with respect to the rejection of Claims 21 and 26 under 35 U.S.C. 112 have been fully considered and are persuasive. The rejection of Claims 21 and 26 under 35 U.S.C. 112 has been withdrawn.

2.   Applicant's arguments filed 1/20/2009 with respect to the prior art rejections of Claims 21, 23-27 and 29-33 have been fully considered but they are not persuasive. Examiner's interview summary dated 1/22/2009 does not recite that Examiner agrees that the prior art does not disclose rendering. Applicant used extrinsic evidence http://www.go-embedded.com/UPnP%20White%20Paper.pdf, published on the internet on February 21, 2007, and dated over three years after Applicant's foreign priority date, to support Applicant's conclusion that one of ordinary skill in the art at the time the invention was made would not have considered "rendering" to include commands such as "play, stop, pause and seek". Yet the following four prior art references indicate that one of ordinary skill in the art at the time the invention was made understood "rendering" to include playback control:

        a.   US 6,785,709 B1 (column 14, lines 38-42)

b.   US 5,951,690 A (column 2, lines 54-61)

c.   US 5,913,038 A (column 11, lines 39-46)

d.   US 5,889,515 A (column 2, line 17)

Therefore, "rendering" as cited by the Examiner using the Runkis reference is consistent with the meaning known to one of ordinary skill in the art at the time the invention was made. Furthermore, Applicant's specification does not support Applicant's assertion that "rendering" includes brightness, contrast, etc. as Applicant stated during the telephonic interview conducted on 01/22/2009. Also, Page 4, lines 24-25 of Applicant's specification recites "a media renderer for playing the media contents." That being said, how can Applicant's definition of "rendering" exclude playback command? Finally, Page 11, lines 13-16 disclose the media renderer using the seek command. Therefore Applicant's disclosure contradicts their arguments. Therefore Examiner respectfully disagrees with Applicant's arguments regarding the meaning of "rendering" to one of ordinary skill in the art, and finds the arguments not persuasive.

3.   New Claims 39 and 40 introduce limitations that require a new ground of rejection.

4.   Examiner notices that the contents of the specification on Page 12, lines 9 and 10 appear not to be reflected in the claim language. Inclusion in independent form may help to advance prosecution and may require further search and/or consideration.

Claim Rejections - 35 USC § 102

5.   The text of those sections of Title 35, U.S. Code not included in this action can
be found in a prior Office action.

6.   Claims 21, 23-27, 29-33, 41 and 42 are rejected under 35 U.S.C. 102(b) as being
anticipated by US 2003/0046338 A1 (Runkis).

     As to Claim 21, Runkis anticipates a method for delivering content playback
related information between devices on a network, the method comprising:

     obtaining state information from at least two services involved in the playback of
the content, the state information comprising information related to data transport
control of the content and information related to rendering states in which data of the
content is rendered (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue
playback of a movie which includes the rendering state of where the user stopped
watching previously and data content control of where to restart the audio and video
playback content services);

     invoking an action to a device to store the state information in the device (Runkis,
Page 6, ¶ [0072] discloses user-generated data files being stored in a non-volatile
storage medium),

     wherein the state information is included in the action as an input argument
(Runkis, Page 4, ¶ [0049] discloses the use of multiple PANO objects which are a
superobject encompassing both software and hardware. Page 5, ¶ [0065] discloses that
the PANO monitors, controls and regulates data transfers across a network. Page 6, ¶
[0073] discloses that the server in this PANO network is the central controller's

database, wherein the user's preference codes are transferred as an input argument to the central controller); and

storing the state information in the device according to the action (Runkis, Page 6, ¶ [0073] discloses user-generated data files being stored in the central controller's database).

As to Claim 23, Runkis anticipates the method of claim 21, wherein the at least two services (Page 3, ¶ [0039] discloses that services may include audio, video, games, etc. at least two of which contain video content to be transported and rendered) each comprises each of:

An AV Transport service (Runkis, Page 7, ¶ [0078] discloses services being audio and video services); and

a Rendering Control service (Runkis, Page 7, ¶ [0078] discloses a service for rendering control of watching a feature movie).

As to Claim 24, Runkis anticipates the method of claim 21, wherein the information related to data transport control of the content includes control information to be used for late playback of the content from a position where playback of the content is stopped (Runkis, Page 7, ¶ [0078] discloses a service being capable of storing the state of playback, and retrieving and rendering at a different location from the point in the rendering where playback was interrupted; Page 7, ¶ [0078] discloses the rendering state being captured for the restart of rendering at another location).

As to Claim 25, Runkis anticipates the method of claim 21, wherein the device

includes the at least two services (Runkis, Page 7, ¶ [0078] discloses a service being an

audio/visual service and rendering control of watching a feature movie; Page 3, ¶ [0039]

discloses that services may include audio, video, games, etc. at least two of which

contain video content to be transported and rendered).

As to Claim 26, Runkis anticipates a system for delivering content playback

related information, the system embedded in a network, the system comprising:

a server for storing content (Runkis, Page 6, ¶ [0072] discloses the use of the

central controller's database as serving multiple PANOs.);

a device including at least one service (Runkis, Page 7, ¶ [0078] discloses a

service being an audio/visual service and rendering control of watching a feature movie;

Page 3, ¶ [0039] discloses that services may include audio, video, games, etc. at least

two of which contain video content to be transported and rendered); and

a control point for controlling the server and the device (Runkis, Page 6, ¶ [0073]

discloses the PANO controlling the central controller server and rendering device),

wherein the control point:

obtains state information from at least two services involved in the playback of

the content, the at least two services comprising the at least one service, the state

information comprising information related to data transport control of the content and

information related to rendering states in which content data is rendered (Runkis, Page

7, ¶ [0078] discloses the user requesting to continue playback of a movie which

includes the rendering state of where the user stopped watching previously and data

content control of where to restart the audio and video playback content services); and

invokes an action to the server to store the state information in the server

(Runkis, Page 6, ¶ [0072] discloses user-generated data files being stored in a non-

volitile storage medium, invoked by the PANO),

wherein the state information is included in the action as an input argument

(Runkis, Page 4, ¶ [0049] discloses the use of multiple PANO objects which are a

superobject encompassing both software and hardware. Page 5, ¶ [0065] discloses that

the PANO monitors, controls and regulates data transfers across a network. Page 6, ¶

[0073] discloses that the server in this PANO network is the central controller's

database, wherein the user's preference codes are transferred as an input argument to

the central controller).

As to Claim 27, Runkis anticipates the system of claim 26, wherein the server

stores the state information according the action (Runkis, Page 6, ¶ [0073] discloses the

central controller's database storing information according to the request of the PANO).

As to Claim 29, Runkis anticipates the system of claim 26, wherein the at least

two services (Page 3, ¶ [0039] discloses that services may include audio, video, games,

etc. at least two of which contain video content to be transported and rendered) each

comprise at least both of:

an AV Transport service (Runkis, Page 7, ¶ [0078] discloses a service being

audio and video rendering services for of watching a feature movie): and

a Rendering Control service (Runkis, Page 7, ¶ [0078] discloses a service for

controlling the watching of a movie).

As to Claim 30, Runkis anticipates the system of claim 29, wherein the server

includes the AV Transport service and the device includes the Rendering Control

service (Runkis, Page 6, ¶¶ [0072-0074] describe a system wherein a home computer,

which is be capable of supporting the transport of AV signals to remote rendering

devices which render images and sound, through the use of the PANO superobject and

network).

As to Claim 31, Runkis anticipates the system of claim 29, wherein the device

includes both the AV Transport service and the Rendering Control service (Runkis,

Page 6, ¶¶ [0072-0074] describe the PANO, which is an object of hardware and

software capable of transporting AV signals and rendering images and sound).

As to Claim 32, Runkis anticipates the system of claim 27, wherein the

information stored in the server, related to data transport control of the content control

information to be used for late playback of the content from a position where playback of

the content is stopped (Runkis, Page 13, ¶ [0164] discloses an example of starting to

watch a movie on one PANO in a hotel room, stopping playback, and resuming

playback where she left off on a flight PANO; Page 7, ¶ [0078] discloses the rendering

state being captured for the restart of rendering at another location).

As to Claim 33, Runkis anticipates the system of claim 27, further comprising a

second control point for reading the state information stored in the server and setting

the read state information to a second device (Runkis, Page 6, ¶ [00764] discloses the

retrieval of playback information from the central server via data files to a second

PANO).

As to Claim 41, Runkis anticipates the method of claim 21, wherein a first of the

at least two services provides data transport control information and a second of the at

least two services provides rendering state information, the state information comprising

the data transport control information related to the data transport control of the content

and the rendering state information related to the rendering states in which the data of

the content is rendered (Runkis, Page 7, ¶ [0078] discloses the user requesting to

continue playback of a movie which includes the rendering state of where the user

stopped watching previously and data content control of where to restart the audio and

video playback content services; Page 7, ¶ [0078] discloses the rendering state being

captured for the restart of rendering at another location).

As to Claim 42, Runkis ancipates the system of claim 26, wherein a first of the at

least two services provides data transport control information and a second of the at

least two services provides rendering state information, the state information comprising

the data transport control information related to the data transport control of the content

and the rendering state information related to the rendering states in which the data of

the content is rendered (Runkis, Page 7, ¶ [0078] discloses the user requesting to

continue playback of a movie which includes the rendering state of where the user

stopped watching previously and data content control of where to restart the audio and

video playback content services; Page 7, ¶ [0078] discloses the rendering state being

captured for the restart of rendering at another location).

Claim Rejections - 35 USC § 103

7.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

8.   Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Runkis as applied to claims 21 and 27 above, respectively, and further in view of

US 2004/0139480 A1 (Delpuch et al.).

As to Claim 39, Runkis anticipates the method of claim 21, and the information

related to the rendering states in which data of the content is rendered, but does not

disclose wherein the information related to the rendering states in which data of the

content is rendered includes a value about volume. However Delpuch et al. disclose

wherein the information related to the rendering states in which data of the

content is rendered includes a value about volume (Delpuch et al. disclose

remembering previous volume setting for resumption of audio service after muting -

Page 13, paragraph [0170]).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine wherein the information related to the rendering states

in which data of the content is rendered includes a value about volume taught by

Delpuch et al., with the information related to the rendering states in which data of the

content is rendered taught by Runkis, in order to remember the previous volume setting

to facilitate service interruptions such as muting (Delpuch et al. – paragraph [0170]).

As to Claim 40, Runkis anticipates the system of claim 27, and the information

related to the rendering states in which data of the content is rendered, but does not

disclose wherein the information related to the rendering states in which data of the

content is rendered includes a value about volume. However Delpuch et al. disclose

wherein the information, stored in the server, related to the rendering states in

which data of the content is rendered includes a value about volume (Delpuch et al.

disclose remembering previous volume setting for resumption of audio service after

muting - Page 13, paragraph [0170]).

The motivation and obviousness arguments are the same as in Claim 39.

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Richard G. Keehn whose telephone number is 571-270-

5007. The examiner can normally be reached on Monday through Thursday, 9:00am -

8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

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RGK

/Yasin M Barqadle/
Primary Examiner, Art Unit 2456